

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NATIONAL UNION FIRE INSURANCE )  
COMPANY OF PITTSBURGH, PA, )  
 )  
Plaintiff, )  
v. )  
 )  
RESOURCE DEVELOPMENT SERVICES, )  
INC., ET AL., )  
 )  
Defendants. )

Case No.: 10-CV-1324-RS (PSG)

**ORDER RE NATIONAL UNION'S  
LETTER DATED JANAUARY 31,  
2012****(Re: Docket No. 339)**

Plaintiff National Union Fire Insurance Company of Pittsburgh, PA ("National Union") previously moved to extend time to confirm that it had complied with the order dated December 12, 2011.<sup>1</sup> Defendant Dominguez & Sons Trucking, Inc. ("DS Trucking") did not oppose the motion. Based on the lack of any opposition by DS Trucking and what appeared to be only a request by National Union to extend its compliance deadline, National Union's motion to extend time was granted and the hearing scheduled to be held on January 31, 2012 was vacated.<sup>2</sup>

On January 31, 2012, DS Trucking advised the court that while some compliance issues had been resolved, still other issues remain in contention. According to DS Trucking: (1) National Union has not provided a verification for its December 20, 2011 supplemental responses; (2) the

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<sup>1</sup> See Docket No. 326.

<sup>2</sup> See Docket No. 337.

1 December 20 supplemental responses do not include responses to document request nos. 1, 3, 6, 7,  
2 8, 9, 13, 14, 18, 20, 21, 22, and 24; (3) the December 20 supplemental responses are otherwise  
3 insufficient; (4) the codex produced does not allow DS Trucking to decipher several hundred  
4 thousand documents produced on DVD; (5) National Union has not produced all expert reports,  
5 including Charles Barstow's report dated May 28, 2009; (6) National Union has not produced the  
6 Waste Management database that Mr. Barstow relied upon to formulate his expert opinions; and  
7 (7) attachments to certain internal memos and emails by Waste Management have not been  
8 produced. Based on the above,

9 IT IS HEREBY ORDERED that the parties shall meet and confer regarding the outstanding  
10 discovery issues set forth above. If, after the parties meet and confer, DS Trucking believes that  
11 certain of the above issues remain in dispute, no later than February 7, 2012, DS Trucking may file  
12 a letter brief requesting relief not exceeding five pages. No later than February 9, 2012, National  
13 Union may file a response not exceeding 5 pages. No reply will be considered. A hearing will be  
14 held on February 14, 2012 at 10AM.

15 **IT IS SO ORDERED.**

16 Dated: 2/2/2012

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18 PAUL S. GREWAL  
19 United States Magistrate Judge  
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